

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/597,192
Filing Date: October 28, 2008
Applicant: Anders Thornell-Pers
Group Art Unit: 2821
Confirmation No. 7508
Examiner: Shih Chao Chen
Title: ANTENNA DEVICE AND PORTABLE RADIO COMMUNICATION
DEVICE COMPRISING SUCH AN ANTENNA DEVICE
Attorney Docket: 9062K-000105/US/NP

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW APPLICATION FROM ISSUE
UNDER 37 CFR § 1.313(c)(2) AFTER PAYMENT OF ISSUE FEE**

Sir:

On May 5, 2010, Applicant paid the issue fee.

On June 2, 2010, the USPTO mailed an issue notification indicating that this Application will issue as U.S. Patent 7,741,998 on June 22, 2010 (tomorrow).

Applicant now files this Petition to request the USPTO to withdraw the Application from issue, in order to have the USPTO consider Applicant's Request for Continued Examination (RCE) filed herewith. This RCE is being filed under 37 C.F.R. § 1.114 (a), which states that "If prosecution in an application is closed, an applicant may request continued examination of the application by filing a submission and the fee set forth in § 1.17(e) prior to the earliest of: (1) Payment of the issue fee, unless a

petition under § 1.313 is granted." This RCE is being filed along with a Supplemental Information Disclosure Statement to disclose two Japanese Laid-Open Patent Publications H11-068456 and H08-186404, which were the only two documents cited in an Office Action from co-pending Japanese patent application 2006-551007 (now published as 2007-520955). The instant application and co-pending Japanese patent application No. 2006-551007 both claim priority to Sweden application No. 0400203-6 (Issued as SE0400203-6, now abandoned). Applicant's undersigned attorney (Anthony G. Fussner) was not aware of this Japanese Office Action until first becoming aware of the same today (June 21, 2010) upon receiving a letter from the foreign associate responsible for the prosecution of the Japanese patent application 2006-551007.

For the USPTO's convenience only, Applicant provides an English translation of the rejections in the Japanese office action (which rejections Applicant does not necessarily agree with). Claims 1-5 and 10-12 of Japanese patent application 2006-551007 have been rejected due to lack of inventive step over Japanese Laid-Open Patent Publication H11-068456, which discloses a surface mounting antenna comprising a frequency switching means with a diode, by which a plurality of resonance frequencies are obtained. Claims 2 and 6-8 of Japanese patent application 2006-551007 have been rejected due to lack of inventive step over Japanese Laid-Open Patent Publications H11-068456 and H08-186404 on the grounds that claims 2 and 6-8 are usually used well known technology in the art as described in Japanese Laid-Open Patent Publications H11-068456 and H08-186404. Claim 9 of Japanese patent application 2006-551007 is not rejected at present.

Applicant hereby requests the USPTO to withdraw the Application from issue and consider the RCE filed herewith.

Applicant believes that the correct fees (\$130 Petition Fee under 37 C.F.R. § 1.17(h) and \$810 RCE fee under 37 C.F.R. § 1.17(e)) have been included with this filing. If Applicant owes any additional fee(s), the Commissioner is hereby authorized to charge the fee(s) to Deposit Account No. 08-0750. In addition, if there is ever any other

fee deficiency or overpayment under 37 C.F.R. §1.16 or 1.17 in connection with this patent application, the Commissioner is hereby authorized to charge such deficiency or overpayment to Deposit Account No. 08-0750. In addition, Applicants hereby request the United States Patent & Trademark Office treat any concurrent or future reply requiring a petition for extension of time pursuant to §1.136 for its timely submission as incorporating therein a petition for an extension of time for the appropriate length of time and authorizes the Commissioner to charge all required extension of time fees that have not otherwise been paid to Deposit Account No. 08-0750.

Respectfully submitted,

/Anthony G. Fussner/

Dated: June 21, 2010

By: _____
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